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Fax (703) 872-9306 Pages 9

Date November 19, 2004

From Susan M. Pellegrino

Fax (203) 812-6459 Tel. (203) 812-6450

Re U.S. Patent Application Serial No.: 10/070,963

Bayer Pharmaceuticals
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Documents transmitted to the U.S. Patent and Trademark Office

- 1) Fee Transmittal [IN DUPLICATE]
- 2) Reply to Office Action mailed on May 19, 2004
- 3) Request for Continued Examination (PTO/SB/30)
- 4) Certificate of Transmission under 37 CFR 1.8
- 5) Fax Cover Sheet

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PTO/SB/97 (05-03)

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on November 19, 2004
Date

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Signature

Susan M. Pellegrino, Reg. No. 48,972

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Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

For U.S. Patent Application Serial No. 10/070,963

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PTO/SB/17 (10-03)

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FEE TRANSMITTAL
for FY 2004

Effective 10/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27**TOTAL AMOUNT OF PAYMENT** (\$)**1770.00****Complete if Known**

Application Number	10/070,963
Filing Date	June 28, 2002
First Named Inventor	Erwin Bischoff
Examiner Name	Jennifer M. Kim
Art Unit	1617
Attorney Docket No.	LeA 35 965

METHOD OF PAYMENT (check all that apply)☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:

Deposit Account Number	13-3372
Deposit Account Name	Jeffrey M. Greenman

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) or any underpayment of fee(s)☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 770	2001 385	Utility filing fee	
1002 340	2002 170	Design filing fee	
1003 530	2003 265	Plant filing fee	
1004 770	2004 385	Reissue filing fee	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Total Claims	Extra Claims	Fee from below	Fee Paid
Independent Claims	-20** =	X	
Multiple Dependent	-3** =	X	

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 86	2201 43	Independent claims in excess of 3	
1203 290	2203 145	Multiple dependent claim, if not paid	
1204 86	2204 43	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$)

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FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non-English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920	1804 920	Requesting publication of SIR prior to Examiner action	
1805 1,840	1805 1,840	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 420	2252 210	Extension for reply within second month	980.00
1253 950	2253 475	Extension for reply within third month	
1254 1,480	2254 740	Extension for reply within fourth month	
1255 2,010	2255 1,005	Extension for reply within fifth month	
1401 330	2401 165	Notice of Appeal	
1402 330	2402 165	Filing a brief in support of an appeal	
1403 290	2403 145	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,330	2453 665	Petition to revive - unintentional	
1501 1,330	2501 665	Utility issue fee (or reissue)	
1502 480	2502 240	Design issue fee	
1503 640	2503 320	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Stmt	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 770	2809 385	Filing a submission after final rejection (37 CFR 1.129(a))	
1810 770	2810 385	For each additional invention to be examined (37 CFR 1.129(b))	
1801 770	2801 385	Request for Continued Examination (RCE)	790.00
1802 900	1802 900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)**1770.00****SUBMITTED BY**

Name (Print/Type)	Susan M. Pellegrino	Registration No. (Attorney/Agent)	48,972	Telephone	(203) 812-6450
Signature	<i>Susan M. Pellegrino</i>	Date	11/19/2004		

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DUPLICATE

PTO/SB/17 (10-03)

Approved for use through 07/31/2006. OMB 0651-0032
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Examiner Name	Jennifer M. Kim
Art Unit	1617
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13-3372Deposit Account Name
Jeffrey M. Greenman

The Director is authorized to: (check all that apply)

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SUBTOTAL (2) (\$)

**or number previously paid, if greater. For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
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Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 1770.00**SUBMITTED BY**

Name (Print/Type) Susan M. Pellegrino

Registration No. 48,972

(Complete if applicable)

Telephone (203) 812-6450

Signature

Susan M. Pellegrino

Date 11/19/2004

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Attorney Docket No. LcA 33 965

NOV 19 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of Erwin Bischoff, et al.,

Serial No.: 10/070,963

Group Art Unit: 1617

Filed: June 28, 2002

Examiner: Jennifer M. Kim

For: Novel Combination for the Treatment of Sexual Dysfunction

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.8(a)

I hereby certify that this correspondence and any papers referred to as attached are being facsimile transmitted, on the date shown below, to the U.S. Patent and Trademark Office at (703) 872-9306.

Date: November 19, 2004


Susan M. Pellegrino

REPLY AND AMENDMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action mailed on May 19, 2004 (Paper No. 05062004), Applicants respectfully request reconsideration and reexamination of the present application in view of the following remarks.

Applicants respectfully petition the Commissioner for Patents under the provisions of 37 C.F.R. 1.136(a) to extend the time for filing a response to the Office Action mailed on May 19, 2004 for three months from August 19, 2004 to November 19, 2004. Please charge the fee for the three-month extension of time to Deposit Account No. 13-3372.

A Request for Continued Examination (RCE) has also been filed including the appropriate fee (PTO/SB/30).

REMARKS

Applicants respectfully request reconsideration and reexamination of the present application in light of the remarks below.

Claims 1, 5-10, and 12-26 are pending in this application.

Applicants note that the Examiner has withdrawn rejection of claims 18 and 19 under 35 U.S.C. § 112, second paragraph (Paper No. 05062004, page 2).